

ROSS B. JONES, SBN 120593
Merrill, Arnone & Jones, LLP
3554 Round Barn Boulevard, Suite 303
Santa Rosa, California 95403
Telephone: (707) 528-2882
Facsimile: (707) 528-6015

Attorneys for Defendants/Counterclaimants
HEDMARK VIII, LLC and
WESTLAND FINANCIAL III, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DOUGLAS KEANE.

Plaintiff.

vs.

ATLAS HOSPITALITY GROUP,
HEDMARK VIII, LLC and
WESTLAND FINANCIAL III, LLC and
JUSTIN B. MEYERS.

Defendants.

CASE NO. C 07-06074 ECF EMC

**DEFENDANTS AND
COUNTERCLAIMANTS'
REQUEST FOR JUDICIAL
NOTICE**

Date: March 19, 2008
Time: 10:30 a.m.
Courtroom: C

AND RELATED COUNTERCLAIMS

Defendants and Counterclaimants, by and through their attorney, hereby request the Court to take judicial notice pursuant to Federal Rule of Evidence 201 of the following documents in connection with Defendant/Counterclaimants Opposition to Motion To Remand:

1. The website page www.cyrusrestaurant.com, a true and correct copy of which was accessed and printed on February 21, 2008, and attached as Exhibit A hereto.

1 2. The website page www.cyrusrestaurant.com/keane_bio.htm, a true and
2 correct copy of which was accessed and printed on February 21, 2008, and attached as
3 Exhibit B hereto.

4 Judicial notice may be taken of these pages pursuant to FRE 201(b). The website
5 pages are documents that are public records, and are capable of accurate and ready
6 confirmation by sources that cannot reasonably be questioned. See *Wible v. Aetna Life*
7 *Ins. Co.* (CD Cal. 2005), 375 F. Supp. 2d 956, 965-966.

8 The Court may take judicial notice of these documents without converting the
9 motion into a Summary Judgment Motion, because the Complaint includes an Exhibit
10 which is based on the attached documents, they are central to Plaintiff's claim, and there
11 should be no dispute as to the authenticity of the documents. *Branch v. Tunnell* (9th Cir.
12 1994) 14 F3d 449, 454 (overruled on other grounds in *Galbraith v. County of Santa*
13 *Clara* (9th Cir. 2002) 307 F.3d 1119).

14 Dated: February 25, 2008

MERRILL, ARNONE & JONES, LLP

16 /s/ ROSS B. JONES

17 Attorneys for Defendants/Counterclaimants